

DONALD SPECTER – 083925
CORENE KENDRICK – 226642
MARGOT MENDELSON – 268583
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

GEOFFREY T. HOLTZ – 191370
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, California 94105-1596
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

LINDA D. KILB – 136101
DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
3075 Adeline Street, Suite 201
Berkeley, California 94703
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

MICHAEL W. BIEN – 096891
GAY C. GRUNFELD – 121944
ERNEST GALVAN – 196065
PENNY GODBOLD – 226925
ROSEN BIEN
GALVAN & GRUNFELD LLP
50 Fremont St, 19th Floor
San Francisco, California 94105
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOHN ARMSTRONG, et al.,

Plaintiff,

v.

EDMUND G. BROWN, JR., et al.,

Defendant.

Case No. C94 2307 CW

**~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE THIRD QUARTER OF 2016**

Judge: Hon. Claudia Wilken

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on October 27, 2016 Plaintiffs served on Defendants
5 their Third Quarterly Statement for 2016 by overnight delivery. The parties completed
6 their meet-and-confer process on December 7, 2016 as to the fees and costs incurred on all
7 matters.

8 As a result of the December 7, 2016 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,084,871.19 to resolve all fees and costs
10 incurred during the Third Quarter of 2016, for monitoring and/or litigation activities in the
11 California Department of Corrections of Rehabilitation Division of Adult Operations and
12 Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

15 The parties agree to the payment of \$47,067.48 to resolve all fees and costs incurred
16 during the Third Quarter of 2016, for monitoring and/or litigation activities in the Board of
17 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
18 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to
19 settle these claims.

20 The parties agree to the payment of \$218,857.87 to resolve all fees and costs
21 incurred during the Third Quarter of 2016, for monitoring and/or litigation activities in the
22 Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$16,990.04 to resolve all fees and costs incurred
26 during the Third Quarter of 2016, for fees on fees. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from November 28, 2016, accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: December 21, 2016

7 Claudia Wilken
8 United States District Judge



9 APPROVED AS TO FORM:

10
11 DATED: December 12, 2016

/s/Sharon A. Garske

Sharon A. Garske
Deputy Attorney General
Attorney for Defendants

12
13
14 DATED: December 9, 2016

/s/Gay C. Grunfeld

Gay C. Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Brown
Third Quarterly Statement of 2016
July 1, 2016 through September 30, 2016

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,057,222.89	\$27,648.31
	TOTAL:	\$1,084,871.19

Armstrong v. Brown

Third Quarterly Statement of 2016

July 1, 2016 through September 30, 2016

Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2016	Total	Fees Now Owing
	Hours	Hours	Rates	Claimed Fees	Based on Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	5.60	5.60	\$900	\$5,040.00	\$4,888.80
Gay C. Grunfeld (GCG)	27.30	27.30	\$790	\$21,567.00	\$20,919.99
Ernest Galvan (EG)	0.10	0.00	\$740	\$0.00	\$0.00
Penny Godbold (PG)	199.20	197.80	\$650	\$128,570.00	\$124,712.90
Thomas Nolan (TN)	226.10	222.70	\$610	\$135,847.00	\$131,771.59
Lisa Ells (LAE)	2.20	0.00	\$600	\$0.00	\$0.00
Ben Bien-Kahn (BBK)	70.00	63.40	\$490	\$31,066.00	\$30,134.02
Krista Stone-Manista (KSM)	59.50	57.50	\$490	\$28,175.00	\$27,329.75
Kara Janssen (KJ)	0.70	0.00	\$475	\$0.00	\$0.00
Pablo Lastra (PAL)	72.00	55.80	\$435	\$24,273.00	\$23,544.81
Jenny Yelin (JY)	2.40	0.00	\$475	\$0.00	\$0.00
Christopher Hu	1.20	0.00	\$410	\$0.00	\$0.00
Karen Stilber (KES)	124.40	120.90	\$300	\$36,270.00	\$35,181.90
Linda Woo (LHW)	13.20	13.20	\$300	\$3,960.00	\$3,841.20
F. Gail LaPurja (FGL)	32.20	28.90	\$275	\$7,947.50	\$7,709.08
Greg Gonzalez (GZG)	22.70	19.80	\$275	\$5,445.00	\$5,281.65
Fely F. Villadelgado (FFV)	0.30	0.00	\$275	\$0.00	\$0.00
Katherine Hamilton (KCH)	188.30	163.30	\$230	\$37,559.00	\$36,432.23
Charlotte Landes (CJL)	28.60	23.70	\$230	\$5,451.00	\$5,287.47
Kelly McGraw (KAM)	286.80	272.20	\$230	\$62,606.00	\$60,727.82
Nathalie Welch (NW)	71.00	54.50	\$230	\$12,535.00	\$12,158.95
Sara E. Long (SL)	2.40	0.00	\$215	\$0.00	\$0.00
Total Hours:	1,436.20	1,326.60		\$546,311.50	\$529,922.16
RBGG CLAIMED FEES:				\$546,311.50	\$529,922.16
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	33.90	33.90	\$900	\$30,510.00	\$29,594.70
Steve Fama (SF)	15.10	15.10	\$850	\$12,835.00	\$12,449.95
Sara Norman (SN)	116.10	116.10	\$750	\$87,075.00	\$84,462.75
Alison Hardy (AH)	0.60	0.60	\$740	\$444.00	\$430.68
Corene Kendrick (CK)	139.10	139.10	\$650	\$90,415.00	\$87,702.55
Rita Lomio (RL)	10.40	10.40	\$565	\$5,876.00	\$5,699.72
Margot Mendelson (MM)	112.60	112.60	\$490	\$55,174.00	\$53,518.78
Sia N. Henry (SNH)	162.60	162.60	\$400	\$65,040.00	\$63,088.80
Amber Norris (AN)	214.20	214.20	\$310	\$66,402.00	\$64,409.94
Joseph E. Bear (JEB)	43.20	43.20	\$250	\$10,800.00	\$10,476.00
Laura Graham (LG)	52.80	52.80	\$250	\$13,200.00	\$12,804.00
Isaac Dalke (ID)	75.50	75.50	\$250	\$18,875.00	\$18,308.75
Meg O'Neill (MO)	1.30	1.30	\$250	\$325.00	\$315.25
Megan Lynch (ML)	125.00	125.00	\$300	\$37,500.00	\$36,375.00
Nora Searle (NS)	0.80	0.80	\$250	\$200.00	\$194.00
Ehsan Sadeghi (ES)	50.90	50.90	\$250	\$12,725.00	\$12,343.25
Liliana Paratore (LP)	57.20	57.20	\$250	\$14,300.00	\$13,871.00
Alex Kennedy (AK)	31.30	31.30	\$250	\$7,825.00	\$7,590.25
Sophie Hart (SH)	1.10	1.10	\$250	\$275.00	\$266.75
Sarah Hopkins	54.1	54.1	\$250	\$13,525.00	\$13,119.25
Total Hours:	1,297.80	1,297.80		\$543,321.00	\$527,021.37
PLO CLAIMED FEES:				\$543,321.00	\$527,021.37
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Hongyu Min (HM)	1.80	1.80	\$160	\$288.00	\$279.36
Total Hours:	1.80	1.80		\$288.00	\$279.36
DREDF CLAIMED FEES:				\$288.00	\$279.36
TOTAL CLAIMED CDCR/AOAP MONITORING FEES:				\$1,089,920.50	\$1,057,222.89

Armstrong v. Brown

Third Quarterly Statement of 2016
 July 1, 2016 through September 30, 2016

Costs***Matter: CDCR/AOAP Merits/Monitoring***

	Total	Costs Now Owing Based On
	<u>Claimed Costs</u>	<u>Negotiated Compromise</u>
<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>		
Photocopying (In house)	\$1,975.16	\$1,915.91
Photocopying/printing (Outside)	\$2,077.24	\$2,014.92
Translation/Interpreter Services	\$1,402.69	\$1,360.61
Online Research - PACER, Westlaw	\$63.95	\$62.03
Postage & Delivery	\$482.16	\$467.70
Telephone	\$4.05	\$3.93
Travel - Mileage, Tolls, Food	\$7,404.65	\$7,182.51
Total RBGG Costs:	\$13,409.90	\$13,007.60
<u>Prison Law Office</u>	Costs	
Photocopying (In house)	\$1,262.00	\$1,224.14
Translation services	\$25.68	\$24.91
Travel - Mileage, Tolls, Food	\$12,593.31	\$12,215.51
Postage & Delivery	\$1,045.98	\$1,014.60
Total PLO Costs:	\$14,926.97	\$14,479.16
<u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$138.20	\$134.05
Postage & Delivery	\$28.34	\$27.49
Total DREDF Costs:	\$166.54	\$161.54
TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$28,503.41	\$27,648.31

EXHIBIT B

Armstrong v. Brown
Third Quarterly Statement of 2016
July 1, 2016 through September 30, 2016

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$46,457.18	\$610.30
	TOTAL:	\$47,067.48

Armstrong v. Brown

Third Quarterly Statement of 2016
 July 1, 2016 through September 30, 2016

Matter: BPH

<u>BPH (581-4)</u>	Actual	Claimed	2016	Total	Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Claimed Fees</u>	<u>Based on Negotiated Compromise</u>
<u>BPH MONITORING (581-4)</u>					
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	2.20	2.20	\$790	\$1,738.00	\$1,685.86
Thomas Nolan (TN)	34.40	34.40	\$610	\$20,984.00	\$20,354.48
Katherine Hamilton (KCH)	10.30	10.30	\$230	\$2,369.00	\$2,297.93
Total Hours:	46.90	46.90			
RBGG CLAIMED FEES:				\$25,091.00	\$24,338.27
<u>PRISON LAW OFFICE</u>					
Sara Norman (SN)	1.20	1.20	\$750	\$900.00	\$873.00
Rana Anabtawi (RA)	44.70	44.70	\$490	\$21,903.00	\$21,245.91
Total Hours:	1.20	1.20			
PLO CLAIMED FEES:				\$22,803.00	\$22,118.91
TOTAL CLAIMED FEES FOR BPH WORK:				\$47,894.00	\$46,457.18

Armstrong v. Brown

Third Quarterly Statement of 2016

July 1, 2016 through September 30, 2016

Costs***Matter: BPH*****Rosen, Bien, Galvan & Grunfeld (581-4)**

Photocopying (In house)

Travel - Mileage, Tolls, Food

Total RBGG Costs:

Total Claimed Costs	Costs Now Owing Based On Negotiated Compromise
\$4.40	\$4.27
\$268.50	\$260.45
\$272.90	\$264.71

Prison Law Office

Travel - Mileage, Tolls, Food

Total PLO Costs:**TOTAL CLAIMED BPH COSTS:**

\$356.28	\$345.59
\$356.28	\$345.59
\$629.18	\$610.30

EXHIBIT C

Armstrong v. Brown

**Third Quarterly Statement of 2016
July 1, 2016 through September 30, 2016**

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$214,591.65	\$4,266.22
	TOTAL:	\$218,857.87

Armstrong v. Brown

Third Quarterly Statement of 2016
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Matter: DAPO Monitoring

<u>DAPO Monitoring (581-9)</u>	Actual	Claimed	2016	Total	Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Claimed Fees</u>	<u>Based on Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	1.20	1.20	\$900	\$1,080.00	\$1,047.60
Gay C. Grunfeld (GCG)	26.30	26.10	\$790	\$20,619.00	\$20,000.43
Thomas Nolan (TN)	16.60	16.60	\$610	\$10,126.00	\$9,822.22
Benjamin Bien-Kahn (BBK)	76.50	73.60	\$490	\$36,064.00	\$34,982.08
Jennifer L. Stark (JLS)	61.70	61.70	\$490	\$30,233.00	\$29,326.01
Krista Stone-Manista (KSM)	31.40	31.40	\$490	\$15,386.00	\$14,924.42
Jenny S. Yelin (JSY)	9.90	9.90	\$475	\$4,702.50	\$4,561.43
Kara Janssen (KJJ)	0.10	0.00	\$475	\$0.00	\$0.00
Michael S. Nunez (MN)	0.40	0.00	\$460	\$0.00	\$0.00
Pablo Lastra (PAL)	89.60	87.50	\$435	\$38,062.50	\$36,920.63
Christopher Hu (CDH)	49.50	49.00	\$410	\$20,090.00	\$19,487.30
Karen Stilber (KES)	4.40	0.00	\$300	\$0.00	\$0.00
F. Gail LaPurja (FGL)	22.30	21.30	\$275	\$5,857.50	\$5,681.78
Kelly McGraw (KAM)	50.50	50.50	\$230	\$11,615.00	\$11,266.55
Katherine Hamilton (KCH)	1.10	0.00	\$230	\$0.00	\$0.00
Fely Villadelgado (FFV)	0.10	0.00	\$275	\$0.00	\$0.00
Nathalie Welch (NCW)	129.10	119.10	\$230	\$27,393.00	\$26,571.21
Total Hours:	570.70	547.90			
RBGG CLAIMED FEES:				\$221,228.50	\$214,591.65
TOTAL CLAIMED FOR DAPO MONITORING WORK:				\$221,228.50	\$214,591.65

Armstrong v. Brown

Third Quarterly Statement of 2016

July 1, 2016 through September 30, 2016

Costs***Matter: DAPO Monitoring***

	Total Claimed Costs	Costs Now Owing Based On Negotiated Compromise
<u>Rosen, Bien, Galvan & Grunfeld (581-9)</u>		
Photocopying (in-house)	\$899.20	\$872.22
Photocopying (outside)	\$340.74	\$330.52
Westlaw	\$1.40	\$1.36
Long distance telephone charges	\$4.35	\$4.22
Inhouse postage	\$17.54	\$17.01
Travel - Mileage, Tolls, Food	\$3,134.94	\$3,040.89
Total RBGG Costs:	\$4,398.17	\$4,266.22
TOTAL CLAIMED DAPO MONITORING COSTS:	\$4,398.17	\$4,266.22

EXHIBIT D

Armstrong v. Brown
Third Quarterly Statement of 2016
July 1, 2016 through September 30, 2016

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$16,761.60	\$228.44
TOTAL:		\$16,990.04

Armstrong v. Brown
 Third Quarterly Statement of 2016
 July 1, 2016 through September 30, 2016
Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2016	Total	Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Claimed Fees</u>	<u>Based on Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	0.10	0.10	\$900	\$90.00	\$87.30
Gay C. Grunfeld (GCG)	12.00	12.00	\$790	\$9,480.00	\$9,195.60
Karen E. Stilber (KES)	15.50	13.90	\$300	\$4,170.00	\$4,044.90
Total Hours:	27.60	26.00			
RBGG CLAIMED FEES:				\$13,740.00	\$13,327.80
<u>PRISON LAW OFFICE</u>					
Corene Kendrick (CK)	2.5	2.5	\$650	\$1,625.00	\$1,576.25
Ashley Kirby (AK)	7.6	7.6	\$200	\$1,520.00	\$1,474.40
Total Hours:	10.10	10.10			
PLO CLAIMED FEES:				\$3,145.00	\$3,050.65
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	0.50	0.50	\$790	\$395.00	\$383.15
Total Hours:	0.50	0.50			
DREDF CLAIMED FEES:				\$395.00	\$383.15
TOTAL CLAIMED FEES FOR ARMSTRONG FEES WORK:				\$17,280.00	\$16,761.60

Armstrong v. Brown

Third Quarterly Statement of 2016
 July 1, 2016 through September 30, 2016

Costs***Matter: Fees Work in All Matters*****Rosen, Bien, Galvan & Grunfeld (581-2)**

Photocopying and Printing (in-house)

Long distance telephone

Postage & Delivery

Total RBGG Costs:

Total Claimed Costs	Costs Now Owing Based On Negotiated Compromise
\$187.20	\$181.58
\$0.30	\$0.29
\$41.00	\$39.77
\$228.50	\$221.65

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)

Total DREDF Costs:

Costs	
\$7.00	\$6.79
\$7.00	\$6.79

TOTAL CLAIMED FEES WORK COSTS :

\$235.50	\$228.44
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